

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:23-cr-20370

v.

Honorable Thomas L. Ludington  
United States District Judge

TORIANO SMITH,

Defendant.

Honorable Patricia T. Morris  
United States Magistrate Judge

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**ORDER ADOPTING REPORT AND RECOMMENDATION, ACCEPTING GUILTY  
PLEA, TAKING RULE 11 PLEA AGREEMENT UNDER ADVISEMENT, AND  
DENYING MOTION TO SUPPRESS AS MOOT**

On January 30, 2024, Defendant Toriano Smith filed a motion to suppress, ECF No. 21. At Defendant's request, this Court adjourned the suppression hearing until April 16, 2024. ECF Nos. 26; 27. On April 16, 2024, the Parties appeared, but no hearing was held, as the Parties indicated Defendant's plea agreement was forthcoming.

On May 28, 2024, Defendant consented to enter a guilty plea. ECF No. 28. Accordingly, Defendant's plea hearing was scheduled for June 10, 2024 before Magistrate Judge Patricia T. Morris. ECF No. 30. On August 14, 2024, Judge Morris issued a report recommending this Court accept Defendant's guilty plea. ECF No. 33. Judge Morris gave the Parties 14 days to object, but they did not do so. They have therefore forfeited their right to appeal Judge Morris's findings that Defendant was competent to enter a plea and did so knowingly, voluntarily, and with a basis in fact. *See* FED. R. CRIM. P. 11(b); *Berkshire v. Dahl*, 928 F.3d 520, 530–31 (6th Cir. 2019) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)).

Accordingly, it is **ORDERED** that Judge Morris's Report and Recommendation, ECF No. 33, is **ADOPTED**.

Further, it is **ORDERED** that Defendant's guilty plea is **ACCEPTED**, and that the Rule 11 Plea Agreement, ECF No. 31, is **TAKEN UNDER ADVISEMENT**.

Further, it is **ORDERED** that Defendant's Motion to Suppress, ECF No. 21, is **DENIED AS MOOT**.

Dated: September 6, 2024

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge